



ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 MARSH ROAD
 MENLO PARK, CALIFORNIA 94025-1015
 tel +1-650-614-7400
 fax +1-650-614-7401
 WWW.ORRICK.COM

October 9, 2008

Tina L. Naicker
 (650) 289-7160
 TNaicker@orrick.com

VIA E-MAIL

Stephen Smith
 Greenberg, Glusker
 1900 Avenue of the Stars, 21st Floor
 Los Angeles, CA 90067

Re: Facebook v. StudiVZ, Case No. 5:08-cv-03468

Dear Mr. Smith:

This letter follows our Rule 26(f) conference earlier today. Facebook will be requesting discovery in the following areas: (1) StudiVZ's corporate structure and organization; (2) marketing by StudiVZ; (3) investments or offers to purchase StudiVZ; (4) contacts with California; (5) access to Facebook's servers, including the number of times it was accessed, by whom, the purpose and the extent of the activities on Facebook; (6) downloading, copying or use of any information from Facebook's website; (7) StudiVZ's design, development, and maintenance of its websites; (8) breach of Facebook's Terms of Use by StudiVZ; (9) damages; (10) consumer (user) confusion. Facebook reserves the right to amend this list.

This discovery, except with respect to consumer or user confusion, all relates to personal jurisdiction issues. In addition, Facebook proposes the following discovery plan, subject to revisions as necessary or by order of the Court:

Event	Proposed Deadline
Close of Fact Discovery	May 29, 2009
Last Day to Amend Pleadings	March 31, 2009
Last Day to File Non-Dispositive Motions	July 31, 2009
Expert Disclosures by Both Parties	August 7, 2009
Disclosure of Rebuttal Experts	September 7, 2007
Close of Expert Discovery	October 7, 2009



Stephen Smith
October 9, 2008
Page 2

Last Day to File Dispositive Motions	November 6, 2009
Pretrial Disclosures by Both Parties	October 30, 2009
Pretrial Conference	November 23, 2009
Trial (5 days- anticipated trial time)	November 30, 2009

Lastly, as discussed in the meet and confer, Facebook understands that Defendants will not make any disclosures that it believes reflects on the merits of this case. Defendants will make initial disclosures only to the extent that Defendants believe they reflect on the issue of personal jurisdiction. Furthermore, Defendants will not agree to respond to discovery that it believes addresses the merits of the case. Please let me know if anything is incorrect, or inaccurate above.

Enclosed is a draft of the Stipulated Protective Order. We will provide the list of search terms in a letter that follows.

Very truly yours,

Tina L. Naicker

Enclosures